

COMMONWEALTH OF VIRGINIA

# Emergency Operations Plan



## Continuity of Government & Continuity of Operations Volume II Support Annex 1

Virginia Department of Emergency Management

September 2007

## **CONTINUITY OF GOVERNMENT AND CONTINUITY OF OPERATIONS PLAN**

### **A. Purpose**

1. The Continuity of Government (COG) and Continuity of Operations (COOP) Support Annex describes the coordinating processes used to ensure the survivability of state-level constitutional and democratic government, its essential governmental functions including essential emergency management program functions, and the preservation of essential facilities, equipment and records during an emergency.
2. This annex provides guidance on the preparedness, response, recovery and mitigation roles and responsibilities for COG/COOP incident management. This guidance applies to all executive branch agencies of state government, including institutions of higher education.

### **B. Situation Overview and Assumptions**

1. Acts of terrorism and natural disasters may threaten the functional capability of constitutional government through the potential destruction of or harm to government personnel, facilities, critical systems, resources, and vital records.
2. In order to ensure continuity of government and the uninterrupted provision of essential governmental functions, contingency plans must be developed that will provide for the continued protection and safety of the population and bring about the prompt and orderly restoration and recovery of public and private property and services.
3. All executive branch agencies, including institutions of higher education, will include emergency preparedness planning, training and promotion as a core component of their mission.
4. Each agency shall maintain a continuing program to encourage individual preparedness and promote a culture of preparedness for its employees.
5. Each executive branch agency shall include emergency preparedness in its strategic planning and performance management process.
6. In accordance with published state guidance, each executive branch agency including institutions of higher education shall:
  - a. develop a Continuity of Operations Plan,
  - b. train, test, review and update their plan at least annually, and
  - c. provide a current copy of their plan to the Virginia Department of Emergency Management.

### **C. Concept of Operations**

#### **1. Continuity of Government**

Succession of constitutional authority, described below, is an essential element to the continuity of government.

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a. Executive Branch –

- The Governor is the chief executive officer of the Commonwealth of Virginia. The executive administrative powers of the Governor's office are detailed in Article V, Section 7, of the Constitution of Virginia. The Governor's legislative responsibilities are described under Article V, Section 5.
- In time of natural or man-made disasters, the Governor, who serves as the State Director of Emergency Management, assumes additional powers as described in Section 44-146.17 of the Virginia Emergency Services and Disaster Law of 2000, as amended. The Governor is assisted by the Coordinator of Emergency Management.
- The Lieutenant Governor serves as the President of the senate when the General Assembly is in session.
- The Attorney General of the Commonwealth is the chief executive officer of the Department of Law. The chief Deputy Attorney General would serve as the acting Attorney General if a vacancy occurs solely within the office of the Attorney General (Section 2.1-130, Code of Virginia) until such time as the position is filled according to the procedures set forth in Section 24.1-85 of the Code of Virginia.
- Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.
- In the case of the removal of the Governor from office or in the case of his disqualification, death, or resignation, the Lieutenant Governor shall become Governor.
- If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor.
- If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor.
- If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.
- In the event of an emergency or enemy attack upon the soil of Virginia and a resulting inability of the House of Delegates to convene to fill the vacancy, the Speaker of the House, the person designated to act in his stead as prescribed in the Rules of the House of Delegates, the President pro tempore of the Senate, or the majority leader of the Senate, in that designated order, shall serve as Acting Governor until such time as the House of Delegates convenes to elect a Governor.

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- The Governor has secretaries and other cabinet level officers to assist him in managing the executive branch. Cabinet level officers, as well as all state agency and department officials, will designate by title, specifying order of succession, no less than three emergency successors in the event their position becomes vacant or they cannot carry out the duties of their office. These successors will have full authority to discharge the duties and exercise all powers associated with the position assumed until such time as the position is filled in accordance with state laws and policies.

b. Legislative Branch

- The legislative branch of state government, which is comprised of the General Assembly and its supporting commissions and divisions, would have to be preserved and maintained in order to support the system of checks and balances among the other branches of government.
- If the General Assembly cannot meet safely in Richmond, or the place to which it has adjourned because of a public enemy or for any other cause, the Governor may designate another location, of which, he shall give notice by proclamation (Code of Virginia, Section 30-2).
- A special session of the General Assembly can also be convened upon application of two thirds of its members elected to each house. If the Governor declares by proclamation that a quorum cannot be convened because of enemy attack, a smaller number may meet and may, notwithstanding any other provisions of the Constitution, enact legislation.
- The House of Delegates shall choose its own speaker.
- In the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose a president pro tempore from its own body.
- Laws may be put into immediate effect in the case of an emergency.

c. Judicial Branch

- The judicial branch of government is comprised of four courts: the Supreme Court, Court of Appeals, Circuit Courts, and District Courts. The Supreme Court, which is the highest court in the judicial system, determines the constitutionality of laws, as well as whether the laws are being applied and interpreted properly. The Supreme Court has seven justices—five are located in Richmond, one in Covington, and one in Winchester. A quorum is formed by the convening of any four of these justices.
- The justices are selected by a majority vote of both houses of the General Assembly. If a vacancy occurs while the General Assembly is not in session, the Governor has the authority to appoint a successor who will serve until 30 days after the commencement of the next General Assembly session.
- The Supreme Court conducts their sessions in Richmond. The Governor can designate an alternate location whenever circumstances would prohibit the session to be held at the appointed place.

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- The justice longest in continuous service is the Chief Justice. If two or more justices have served for the same period, the senior in years shall be Chief Justice. Succession to the Chief Justice would be the justice with the next longest continuous service.
- The Court of Appeals, Circuit Courts, and District Courts will also be maintained. All vacancies will be filled immediately according to established procedures.

**2. Continuity of Operations**

- a. Continuity of Operations (COOP) planning is an effort to ensure the stability of essential functions during a wide range of potential emergencies and events and consists of ten critical elements:
  - 1) Essential Functions
  - 2) Delegation of Authority
  - 3) Orders of Succession
  - 4) Alternate Facilities
  - 5) Interoperable Communications
  - 6) Vital Records
  - 7) Human Capital Management
  - 8) Tests, Training and Exercises
  - 9) Devolution
  - 10) Reconstitution
- b. The seven specific objectives of COOP are to:
  - 1) Ensure the continuous performance of a department or agency's essential functions during an emergency.
  - 2) Ensure the safety of employees.
  - 3) Protect essential equipment, records and other assets.
  - 4) Reduce disruptions to operations.
  - 5) Minimize damage and losses.
  - 6) Achieve an orderly recovery from emergency operations.
  - 7) Identify relocation sites and ensure operation and managerial requirements are met before an emergency occurs.
- c. All Commonwealth of Virginia Executive Branch Agencies are to:
  - 1) Be capable of implementing their COOP plans with and without warning.
  - 2) Be operational not later than 12 hours after activation.
  - 3) Be capable of maintaining sustained operations for up to 30 days.
  - 4) Include regularly scheduled testing, training and exercising of personnel, equipment, systems, processes and procedures.
  - 5) Provide for a regular risk analysis of current alternate operating facilities.
  - 6) Locate alternate facilities in areas where the ability to initiate, maintain and terminate COOP is optimal.
  - 7) Take advantage of existing agency field infrastructures and make uses of other options, such as telecommuting, work-at-home and shared facilities.
  - 8) Consider the distance of alternate facilities from the primary facility.

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- 9) Comply with IT security standards as developed and required by VITA.

**D. Organization and Assignment of Responsibilities**

Agencies with operational responsibilities include, but are not limited to:

1. Office of Commonwealth Preparedness – a cabinet level office that:
  - Provides policy guidance to executive branch agencies for integration of emergency preparedness initiatives (including COG/COOP) into the strategic planning and performance management processes.
  - Provides oversight, coordination, and review of all disaster, emergency management (including COG/COOP), and terrorism management plans for the state and its agencies.
  - Coordinates (COG/COOP) working relationships between state agencies and the Governor's Cabinet.
  - Sets strategic goals, priorities and objectives for COG/COOP capability
  - Monitors progress against goals and objectives.
  - Manages gaps between performance and performance goals/objectives.
  - Coordinates financial forecasting and reporting for COG/COOP related funding.
  - Approves federal grant funding and plans for state and local COG/COOP projects based on requests from VDEM.
  - Monitors and reports current state of COG/COOP capability across state agencies and local jurisdictions.
2. COG/COOP Subcommittee of the Commonwealth Preparedness Working Group – The Commonwealth Preparedness Working Group provides support to the Secure Commonwealth Panel. The COG/COOP Subcommittee's membership is comprised of Emergency Coordination Officers and/or COOP Coordinators for key state agencies with COG/COOP responsibilities that encompass policy and procedural development in the areas of emergency management, human resource management, financial management, information technology and communications, facilities and supply management.

The subcommittee provides advice, stakeholder concurrence and guidance to COG/COOP policies, procedures and projects.

3. Virginia State Library –
  - Policies and procedures to identify, preserve, and protect vital records (to include automated technology data) essential to continuing a democratic form of government will be developed and maintained by the State Librarian (Code of Virginia, Section 42.1-91).
  - Strategies to protect and preserve vital records and ensure their availability in time of crisis include duplication, dispersal, and development and use of safe and secure storage facilities.
  - Responsibility for implementation of the plan and disaster response is delegated to the State Archivist, Director of the Archives and Records Division, Virginia State Library and Archives.
  - Library personnel shall be responsible for coordinating emergency recovery operations when public records are affected.

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4. Virginia Department of Emergency Management –
  - Recommends policies, procedures and projects necessary for the implementation of COG/COOP plans for the Commonwealth
  - Publishes approved policy guidance including performance measures
  - Facilitates training across state agencies and localities
  - Provides COG/COOP subject matter expertise to agencies and localities, as needed
  - Coordinates with external agencies to include federal, local and other states
  - Manages COG/COOP integration with the overall emergency management program
  - Manages ongoing COG/COOP exercises and testing
  - Serves as the COG/COOP program management office
5. COG/COOP Working Team – The team is comprised of selected VDEM employees, contractors and any subject-matter or support personnel (state employees) loaned for a specific COG/COOP initiative or project. The team:
  - Drafts state level COG/COOP policies, contingency plans, processes, procedures and other necessary instruments
  - Manages and coordinates inter-agency dependencies during routine operations
  - Executes COG/COOP initiatives that have been approved by OCP and funded, including survey and plan reviews, etc.
6. Virginia Emergency Operations Center –
  - During routine operations, receives and disseminates reports through the warning point of disruptive events at state owned or leased facilities which impair the ability of agencies located within the affected facilities to continue operations.
  - During augmentation of the VEOC for emergency operations the VERT Coordinator, or designated representative, may activate the COG/COOP Disaster Readiness Group to monitor and coordinate support of COOP plan implementation by multiple agencies/facilities.
7. COG/COOP Disaster Readiness Group – During augmentation of the VEOC, the Disaster Readiness Group functions within the Operations Section and is staffed with representatives from the Coordinating and Cooperating Agencies. This group:
  - Monitors and reports the capability of state agencies/facilities to provide essential functions and service immediately prior to, during and immediately after a disruptive event, emergency or disaster.
  - Coordinates execution of COG and COOP plans activated by agencies and governmental complexes (tactical planning).
  - Manages and coordinates inter-agency dependencies during response and recovery operations to include allocation of resources and prioritization for restoration of IT services in accordance with Disaster Recovery Plans.
8. Executive Branch Agencies –
  - Appoint an Agency COOP Coordinator to work in concert with the Agency Emergency Coordination Officer and notify the Virginia Department of Emergency Management of that appointment.
  - Provide a complete copy of their COOP plan to the Virginia Department of Emergency Management for review, coordination and incident management purposes.

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- Notify the VEOC (State Warning Point) of an event impacting their facilities, systems or personnel which may result in a diminished capacity to perform essential functions or require relocation to an alternate facility.
  - Provide initial and updated damage assessments and situation reports as required by the COG/COOP Disaster Readiness Group, VEOC.
9. Capitol Police – provide security in the Richmond Capitol area during an event that might cause agency COOP and/or COG plans to be enacted.
10. Virginia Information and Technology Agency - assist executive branch agencies with completion of IT disaster recovery plans; provide IT systems back-up options to executive branch agency clients; development of security standard requirements for use by state agencies.
11. Department of Human Resource Management – assist executive branch agencies with HR policies and procedures that may be affected in a COOP event including but not limited to Teleworking.
12. Department of General Services – advise VDEM of location of all executive branch agency building space both owned and leased; assist agencies with possible alternate facility location options.

**E. Authorities and References**

- Article V, Section 16, of the Constitution of Virginia
- The Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended
- Executive Order 44 (2007) Establishing Preparedness Initiatives in State Government
- COV ITRM 90-1, Information Technology Security Policy
- SEC2001-01.1, Information Technology Standard
- IT Security Policy SEC500-02 (Compliance July 1, 2007)
- IT Security Standard SEC501-01 (Compliance July 1, 2007)
- Risk Management Guideline SEC506-01
- Risk Assessment Instructions Appendix D SEC506-01
- VDEM COOP Planning Manual and Toolkit
- VEOC SOP